



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

**Board of Health Meeting Agenda
Wednesday, September 12, 2018
Ground Floor Conference Room
Arlington Senior Center
5:30pm**

- I. Accept May 23, 2018 Meeting Minutes
- II. Hearing: Tobacco Sales Violation- Little Joes Convenience
- III. Hearing: Tobacco Sales Violation- Peter Pan Superette
- IV. Discussion: Marijuana Regulations
- V. Discussion: Rock Removal Regulations
- VI. Discussion: Novus Agenda
- VII. Environmental Updates
 - Plastic Bag Ban
 - West Nile
- VIII. Restaurant Updates
- IX. Public Health Nurse Updates
 - Medical Reserve Corps (MRC)
- X. Public Comment

Adjourn



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DRAFT
Board of Health Meeting Minutes
Wednesday, May 23, 2018
BOH Conference Room – Mural Room
Arlington Senior Center
5:30pm

Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, Dr. Kevin Fallon

Staff in Attendance: Natasha Waden, Director of Public Health; Kylee Sullivan, Health Compliance Officer; Padraig Martin, Lead Health Compliance Officer; Sarah Yiu, Public Health Associate

Others in Attendance: Nick Perhanidis, Dora Horvath, Maria Peralta, Nate Gallaher

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

Meeting called to order by Dr. Marie Walsh Condon at 5:30 pm.

Accept April 11, 2018 Meeting Minutes

A motion was made by Dr. Kevin Fallon, which was seconded by Mr. Kenneth Kohlberg to accept the April 11, 2018 meeting minutes as amended.

Vote: 3-0 in favor of the motion (Unanimous)

Hearing: Keeping of Hens - 73 Thorndike Street

Inspector Kylee Sullivan informed the Board that on April 5, 2018, the Health Department received a Keeping of Hens Site Plan Review Application from Ms. Maria Peralta of 73 Thorndike Street. She reported a site walk was conducted by herself and Public Health Associate Sarah Yiu on May 9, 2018. The site walk verified that the proposed location of the coop does not violate the six feet minimum distance from all property lines as stated in the Bylaws. Inspector Sullivan reported all abutters were notified via certified mail, by the applicant, of her intent to keep hens, as well as to information regarding the hearing. Inspector Sullivan reported the submitted application was in compliance with the town's Bylaws.

Ms. Maria Peralta was in attendance at the meeting and reported she would like to keep hens as pets and for eggs. In response to questions from the Board, Ms. Peralta stated they will be building the coop themselves, and provided plans with the application. She stated she has not had any luck finding a hen keeping instructional course, but has extensive experience with birds. She stated she is not opposed to taking a hen keeping course. She reported that her yard is not fenced in, and it is her intent to keep the hens in the coop 100% of the time. If at a later date she should decide to let the hens "roam free in her yard" she is aware it would only be possible if she fully enclosed the yard with a fence, and only under supervision. It is her intent to keep 4 hens, and she is aware that 6 hens is the maximum allowed.

Dr. Walsh Condon opened the discussion to members of the public in attendance.

Mr. Nick Perhandidis addressed the Board and expressed his opposition to hens being allowed at this property. He stated he is a next door neighbor, and reported the properties in this neighborhood are very close together, and they have very tiny yards. He expressed concern of the smell, noise, and wake up calls from roosters. He reported previous disputes with the neighbors regarding other property matters. He reported the hens will get loose and dig under or get through fences.

Ms. Dora Horvath also addressed the Board and provided a picture of the yard with flags indicating the location of the proposed coop. Ms. Horvath reported the following concerns:

- She has sensitivities to odors and is concerned about the close proximity of the coop to her property. She believes she would be forced to close windows and not enjoy time in her yard, especially during summer months with heat and humidity.
- As an owner of a 2-family home, she expressed concern over the ability to rent to tenants in the future with a chicken coop next door.
- She inquired if hens will attract other predators such as foxes, coyotes, raccoons, and rats, and inquired about the location of the feeders.
- She reported she plans on getting a dog and expressed concern if the dog will be digging at fences or disturb others by barking or trying to get at the hens.

Inspector Sullivan reported two inspections from the Town take place annually: one in the Spring by the Health Department and one in the Fall by the Animal Control Officer. She further addressed the maintenance plan submitted by the applicant and reported daily, weekly, monthly, and seasonal maintenance plans were addressed. Upon inquiry, Inspector Sullivan reported that due to the extensive application process and Bylaws, the Health Department has not received any complaints regarding odors at any of the other 11 properties in town that are permitted to keep hens. It was reported that roosters are not allowed per the Bylaws, that the zoning requirements set forth in the town Bylaws have been met, and that the proposed plans in the application are in compliance.

Dr. Fallon addressed concerns regarding animal predators, and stated that upon review of the plans, he does not see that as problematic, as the coop will be completely enclosed.

Dr. Walsh Condon thanked all speakers and stated the Board takes seriously all comments during consideration. She further stated, that if the permit is approved, neighbors have the right to contact the Health Department if violations occur. She reported all permits have to be renewed annually.

A motion was made by Dr. Kevin Fallon, which was seconded by Mr. Kenneth Kohlberg, to approve the application for keeping of hens at 73 Thorndike Street, conditional upon the applicant attending an approved hen keeping instructional course, and the final site inspection.

Vote: Motion Approved 3-0 (Unanimously)

(Brief Recess)

Hearing: Housing Code Violations - 18 Belknap Street Unit #3

Inspector Kylee Sullivan reported that on March 21, 2018, she, and Inspector Padraig Martin, conducted a housing inspection of 18 Belknap Street Unit #3, and associated common areas at the request of the occupant. She reported 22 violations of the State Sanitary Code were observed. An order letter dated April 5, 2018 was sent to the owner. The owner of the property, Mr. Anthony Caliendo, sent a letter to the Health Department that was received on April 18, 2018 requesting a hearing with the Board of Health.

In lieu of appearing at the hearing, Mr. Caliendo submitted a letter, which was read into the record by Inspector Sullivan. Copy of letter is attached.

Inspector Sullivan reported that the occupant has moved out of the unit, but it has been reported that only one of the 22 violations has been corrected.

Director Waden informed the Board of options referenced in *105 CMR 410. 853* and *854* of the State Sanitary Code including: sustaining, modifying, or withdrawing the order letter dated April 5, 2018.

A Motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Kevin Fallon, to sustain the order letter dated April 5, 2018 to Mr. Anthony Caliendo, and authorized the Health Department to proceed with the enforcement of having all violations of the State Sanitary Code corrected in the referenced time frame, or take necessary action to bring the unit into compliance per the State Sanitary Code.

Vote: Motion Approved 3-0 (Unanimously)

Hearing: Dumpster Regulations

Inspector Kylee Sullivan provided the Board with an updated version of the recommended Dumpster Regulations. She reported previous recommendations from the Board, and comments from Ms. Charlotte Milan, the town's Recycling Coordinator, have been incorporated.

A Motion was made by Dr. Kevin Fallon, which was seconded by Mr. Kenneth Kohlberg, to approve the dumpster regulations as modified.

Vote: Motion Approved 3-0 (Unanimously)

An original copy of the Regulations was presented to the Board for signatures.

Discussion: Draft Marijuana Regulations

Director Waden informed the Board that she has attended 2 seminars in the last 2 weeks, and has had discussions with Town Counsel, Doug Heim, regarding Marijuana Regulations. She informed the Board that Town Meeting voted to extend the Moratorium from June 30th to December 31st. She reported the Cannabis Control Commission has started accepting applications for adult use marijuana establishments, but 3 Community requirements are needed prior to them receiving an application. These requirements are:

- A Host Agreement with Town/Community;
- Holding a Community Outreach Meeting; and
- Compliance with Zoning Bylaws

Director Waden believes it would be appropriate to take a step back and review all the information coming in from a variety of groups (State, Local, Cannabis Control Commission, etc). Mr. Kenneth Kohlberg agreed, and inquired if the Board of Health should consider contracting with a consultant or seek advice from other parties (such as: John Sheft, Cheryl Sbarra, or other individual/group) who are working on and closely following/monitoring this fluid situation.

Environmental Updates

Inspector Padraig Martin welcomed and introduced Ms. Sarah Yiu, Arlington Public Health Associate, studying at Northeastern University.

Inspector Martin informed the Board that the Health Department is busy conducting pool inspections for the season.

Environmental Health Services (EHS) treated a median strip in Arlington Center with dry ice for Rodent Control, and the Department of Public Works will be removing plants and bushes from that strip, to eliminate burrowing/harborage areas.

Health Department Staff worked at the May 12, 2018 Community Collection Day, and collected medical sharps for disposal. Inspector Martin informed the Board that an individual left an opened sharps container in a public trash receptacle at Magnolia Field and Police were called to remove. The Health Department collected these needles for disposal, and provided additional information on social media about proper disposal methods.

Inspector Sullivan informed the Board that a hearing in Eastern Housing Court is scheduled for Friday, June 1, 2018 regarding a condemned property in Town. She also informed the Board that one of the properties the Health Department has been working with the Attorney General's Office has been granted by a receiver by Eastern Housing Court.

Inspector Sullivan reported that the variance applicant for a Body Art Apprentice Permit at Ink Jam Tattoo Studio has successfully completed the Anatomy and Physiology Course required for permitting.

Restaurant Updates

Inspector Padraig Martin reported:

- A new application has been received and permit issued for the Local Fare (Granola Safe); and Namakiss and Baked Goods will be leaving the Local Fare at the end of the month.
- Shanghi Village Restaurant had a fire in the hood system, resulting in extensive damage including possible structural damage. Shanghi Village is currently closed.

Public Health Nurse Updates

Director Waden informed the Board that the Health Department is once again gearing up for flu season, and is working on regional activities to recruit volunteers to the Medical Reserve Corp (MRC) Program.

Public Comment

None

Meeting was adjourned at 6:57 pm.



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MEMORANDUM

To: Board of Health
From: Kylee Sullivan, Health Compliance Officer
Date: September 7, 2018
RE: Tobacco Compliance Check Violations

On July 11, 2018, Inspector Sullivan coordinated tobacco compliance checks of permitted tobacco retailers in Town. During these compliance checks, 12 of the 19 permitted tobacco retailers in Town were visited. Current Town regulations restricting the sale of tobacco products and nicotine delivery products state "no person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to anyone under the age of twenty-one (21)." Two permitted tobacco retailers violated these regulations by completing a sale to an underaged individual during the compliance checks. The two retailers were:

- **Little Joe's Convenience.** The sale of "Marlboro Seventy-Twos" (priced at \$10.19) was made at approximately 2:26 PM EST to a 20 year old female.
- **Peter Pan Superette.** The sale of "Marlboro Smooth Original Flavor" (priced at approximately \$10.00) was made at approximately 2:30 PM EST to a 20 year old female.

Fine and violation notices were hand delivered to Little Joe's and Peter Pan by our Office on July 13, 2018. These violation notices required the retailers' appearance before the Board of Health during a hearing regarding the suspension of their Tobacco and Nicotine Delivery Product Sales Permits. Said hearing is scheduled to occur on Wednesday, September 12, 2018 at 5:30 PM EST in the Board of Health conference room located in the Arlington Senior Center at 27 Maple Street.

Enclosed please find the following items:

1. A copy of the violation notification letters to Little Joe's and Peter Pan
2. A table indicating the history and success of tobacco compliance checks since July 1, 2013
3. A copy of the tickets issued to Little Joe's and Peter Pan
4. A copy of Arlington's Tobacco Regulations (specifically Sections P-T)



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July 13, 2018

Hand Delivered
Ranbir S. Rai
Little Joe's Convenience
206 Summer Street
Arlington, MA 02474

*Re: Little Joe's- Arlington, MA
Notice of Violation: Sale to Minor
Notice of Hearing*

Dear Mr. Rai:

On Wednesday, July 11th, 2018, the Arlington Board of Health conducted a compliance check of permitted retail tobacco vendors in Town. Your establishment sold a Marlboro Gold Pack 72s tobacco product to an underaged individual at approximately 2:35 PM. This sale is in violation of *section D.1* of the Board of Health *Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products*. The Regulation states "The violator shall receive: In the case of a first violation, a fine of one hundred dollars (\$100.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days." Enclosed with this notice please find a \$100.00 fine, as this is your first sales violation, within 36 months, and after the effective date (July 1, 2013) of the aforementioned *Regulation*.

You are hereby ordered to attend a Board of Health hearing on **Wednesday, September 12th, 2018 at 5:30pm**. This hearing will be held to determine any further enforcement proceedings, including the possible suspension of your permit. The hearing will take place in the ground floor conference room of the Arlington Senior Center located at 27 Maple Street.

Please immediately advise all persons that sell tobacco and nicotine delivery products in your establishment that they must ask for photo identification for anyone attempting to purchase tobacco products that does not appear of age twenty-seven (27) or older. Also, please immediately advise the same persons that as of July 1, 2015, no person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to anyone under the age of twenty-one (21). Please direct any questions to the undersigned.

Sincerely,

A handwritten signature in cursive script, appearing to read "K Sullivan".

Kylee Sullivan
Health Compliance Officer
ksullivan@town.arlington.ma.us
(781)-316-3264

cc: Natasha Waden, Director of Public Health



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July 13, 2018

Hand Delivered
Nilesh Patel
Peter Pan Superette
2 Park Avenue
Arlington, MA 02476

*Re: Peter Pan Superette- Arlington, MA
Notice of Violation: Sale to Minor
Notice of Hearing*

Dear Mr. Patel:

On Wednesday, July 11th, 2018, the Arlington Board of Health conducted a compliance check of permitted retail tobacco vendors in Town. Your establishment sold a Marlboro Gold Pack tobacco product to an underaged individual at approximately 2:30 PM. This sale is in violation of *section D.1* of the Board of Health *Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products*. The Regulation states "The violator shall receive: In the case of a first violation, a fine of one hundred dollars (\$100.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days." Enclosed with this notice please find a \$100.00 fine, as this is your first sales violation, within 36 months, and after the effective date (July 1, 2013) of the aforementioned *Regulation*.

You are hereby ordered to attend a Board of Health hearing on **Wednesday, September 12th, 2018 at 5:30pm**. This hearing will be held to determine any further enforcement proceedings, including the possible suspension of your permit. The hearing will take place in the ground floor conference room of the Arlington Senior Center located at 27 Maple Street.

Please immediately advise all persons that sell tobacco and nicotine delivery products in your establishment that they must ask for photo identification for anyone attempting to purchase tobacco products that does not appear of age twenty-seven (27) or older. Also, please immediately advise the same persons that as of July 1, 2015, no person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to anyone under the age of twenty-one (21). Please direct any questions to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "K Sullivan".

Kylee Sullivan
Health Compliance Officer
ksullivan@town.arlington.ma.us
(781)-316-3264

cc: Natasha Waden, Director of Public Health

Tobacco Compliance Checks

Effective date of new Regulations: 7/1/2013

X= Sales Violation

Compliance Check (* denotes SCC)

Not Checked

Tobacco Vendors	Address	7/24/2013	2/6/2014	7/10/2014	3/16/2016	5/22/2016*	1/30/2017*	6/9/2017*	7/11/2018
7 STAR GROCERY	6 MEDFORD ST			X		X			
A & A CONVENIENCE	1042 MASS. AVE								
ARLINGTON GULF	85 RIVER STREET		X						
ARLINGTON LIQUORS STORE	92 SUMMER ST				X				
ARLINGTON SHELL	934 MASS. AVE.			X					
BOYLE'S MKT.	64 BROADWAY				X				
BROADWAY MARKET	94 BROADWAY								
CHRISTO'S FRUIT	200 MASS AVE.				X				
DAGG'S	148 MASS. AVE.			X					
EASY CONVENIENCE	935 MASS. AVE								
ELI'S SERVICE STATION, INC.	125 BROADWAY								
GALAXY FOOD MART	1348 MASS AVE						X		
LITTLE JOE'S CONVENIENCE	206 SUMMER ST				X				X
MASS CONVENIENCE	85 WARREN ST								
ARLINGTON CONVENIENCE	245 MASS. AVE								
MYSTIC STREET GULF	140 MYSTIC ST					X			
PETER PAN SUPERETTE	2 PARK AVE.								X
SYMMES MINI MART	681 MASS. AVE							X	
FENWAY MARKET	203 BROADWAY					X			

ARLINGTON 0555			
NOTICE OF VIOLATION OF TOWN BY/LAW OR REGULATION			
DATE OF OFFENSE 7 / 11 / 2018		DATE OF ISSUANCE/NOTICE 7 / 13 / 2018	
LOCATION Little Joe's Convenience		TIME 2:35	AM <input checked="" type="radio"/> PM
NAME OF OFFENDER (PLEASE PRINT) LAST Rai		FIRST Ranbir	MI S.
ADDRESS 206 Summer St	CITY Arlington	STATE MA	ZIP CODE 02474
DATE OF BIRTH / /		(CHECK IF UNDER 17) <input type="checkbox"/>	
PARENTS NAME (IF VIOLATOR UNDER 17) LAST		FIRST	MI
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE OF ENFORCING PERSON K Sullivan		BADGE NUMBER	ASSIGNMENT BOH

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

X

D=Dumpster Regulations and for the Removal and Transportation of Garbage, Rubbish, Offal, or other Offensive Substances

- ☐ D1 Dumpster overflowing \$25
☐ D2 Dumpster overflowing - repeat offense \$50
☐ D3 Dumpster uncovered \$25
☐ D4 Dumpster uncovered - repeat offense \$50

WARNING 1st OFFENSE ☒

TOTAL OF FINE(S) DUE \$ 100.00

T=Rules and Regulations Restricting Smoking and Distribution of Tobacco and Tobacco Products within the Town of Arlington

- ☐ T1 Smoking in a non-smoking area \$100
☐ T2 Smoking in a workplace \$200

B=By-laws of the Town of Arlington

- ☐ B1 Abrasive blasting without permit \$50
☐ B2 Abrasive blasting - particles beyond property line \$50
☐ B3 Abrasive blasting - no permit - repeat offense \$200
☐ B4 Abrasive blasting - part. beyond prop. line - repeat offense \$200

- ☒ Z1 Other Tobacco Sale to Minor \$

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

- ☒ I choose to pay the above fine WITHIN 21 DAYS OF THE DATE OF THIS NOTICE. I enclose a check or money order payable to the Town Clerk, Town of Arlington. I understand that if I do not pay this fine, I may be liable for additional costs and penalties.

ARLINGTON 0334					
NOTICE OF VIOLATION OF TOWN BY/LAW OR REGULATION					
DATE OF OFFENSE 7 / 11 / 2018			DATE OF ISSUANCE/NOTICE 7 / 13 / 2018		
LOCATION Peter Pan Superette			TIME 2:30 PM		
NAME OF OFFENDER (PLEASE PRINT) LAST Patel			FIRST Nilesh		MI
ADDRESS 2 Park Ave		CITY Arlington	STATE MA	ZIP CODE 02176	
DATE OF BIRTH / /			(CHECK IF UNDER 17) <input type="checkbox"/>		
PARENTS NAME (IF VIOLATOR UNDER 17) LAST			FIRST		MI
ADDRESS		CITY	STATE	ZIP CODE	
SIGNATURE OF ENFORCING PERSON K. Sullivan			BADGE NUMBER		ASSIGNMENT BOH

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

X

D=Dumpster Regulations and for the Removal and Transportation of Garbage, Rubbish, Offal, or other Offensive Substances

- ☐ D1 Dumpster overflowing \$25
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☐ D3 Dumpster uncovered \$25
☐ D4 Dumpster uncovered - repeat offense \$50

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B=By-laws of the Town of Arlington

- ☐ B1 Abrasive blasting without permit \$50
☐ B2 Abrasive blasting - particles beyond property line \$50
☐ B3 Abrasive blasting - no permit - repeat offense \$200
☐ B4 Abrasive blasting - part. beyond prop. line - repeat offense \$200
☒ Z1 Other Tobacco \$100.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

1 ☐ I choose to pay the above fine WITHIN 21 DAYS OF THE DATE OF THIS NOTICE. I enclose a check or money order payable to the Town Clerk, Town of Arlington, in this envelope. Or an authorized person may bring this ticket and payment to Town Clerk, 730 Massachusetts Avenue between 9:00 AM- 4:00PM, Monday-Friday. THIS WILL OPERATE AS A FINAL DISPOSITION WITH NO CRIMINAL RECORD.

2 ☐ I desire to contest this matter, I request a noncriminal hearing, which will operate as a final disposition with no criminal record, and I am enclosing a copy of this citation, WITHIN 21 DAYS OF THE NOTICE TO: Clerk Magistrate
 Cambridge, District Court
 40 Thorndike ST., P.O. Box 338
 East Cambridge, MA 02141

If you fail to pay this civil fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay the fine determined at the hearing to be due, a criminal complaint may be issued against you.

L. VENDING MACHINES:

All tobacco and/or nicotine delivery product vending machines are prohibited.

M. NON-RESIDENTIAL ROLL-YOUR-OWN MACHINES:

All Non-Residential Roll-Your-Own machines are prohibited.

**N. PROHIBITION OF THE SALE OF TOBACCO AND NICOTINE DELIVERY PRODUCTS
BY HEALTH CARE INSTITUTIONS:**

No health care institution located in Arlington shall sell or cause to be sold tobacco or nicotine delivery products. No retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products or nicotine delivery products.

**O. PROHIBITION OF THE SALE OF TOBACCO AND NICOTINE DELIVERY PRODUCTS
BY EDUCATIONAL INSTITUTIONS:**

No educational institution located in Arlington shall sell or cause to be sold tobacco or nicotine delivery products. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

P. VIOLATIONS:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. The violator shall receive:

- a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days.
- b. In the case of a second violation within 36 months of the date of the current violation, a fine of two hundred dollars (\$200.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for fourteen (14) consecutive business days.

- c. In the case of three or more violations within a 36 month period, a fine of three hundred dollars (\$300.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for thirty (30) consecutive business days.
 - d. The Board of Health reserves the right to revoke a Tobacco and Nicotine Delivery Product Sales Permit.
2. If a permit holder has obtained a permit or license from any other licensing or permitting authority within the Town of Arlington, the Board of Health shall notify such authority in writing of any violations of this regulation.
3. Refusal or failure to cooperate with inspections pursuant to this regulation may result in the suspension of the Tobacco and Nicotine Delivery Product Sales Permit for thirty (30) consecutive business days.
4. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco or nicotine delivery products directly to a consumer while his or her permit is suspended may be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days.
5. The Arlington Board of Health shall provide notice of the intent to suspend a Tobacco and Nicotine Delivery Product Sales Permit, which notice shall contain the reasons therefore and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons therefore in writing. After a hearing, the Arlington Board of Health may suspend the Tobacco and Nicotine Delivery Product Sales Permit if the Board of Health finds that a violation of this regulation occurred. For purposes of such suspensions, the Board shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All tobacco products and nicotine delivery products shall be removed from the retail establishment upon suspension of the Tobacco and Nicotine Delivery Product Sales Permit. Failure to remove all tobacco and nicotine delivery products shall constitute a separate violation of this regulation.

Q. NON-CRIMINAL DISPOSITION:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

Each day any violation exists shall be deemed to be a separate offense.

R. ENFORCEMENT:

Enforcement of this regulation shall be by the Arlington Board of Health or its designated agent(s).

Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the Arlington Board of Health or its designated agent(s) and the Board shall investigate.

S. SEVERABILITY:

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

T. EFFECTIVE DATE:

This regulation shall take effect on April 11, 2018.

1. Marie Walsh Condon 2. Kenneth Kohlberg
Marie Walsh Condon, MD Kenneth Kohlberg, JD, MPH

3. Kevin Fallon
Kevin Fallon, DVM

Amended on 09/11/2013
Amended on 12/03/2014
Amended on 03/15/2015
Amended on 04/11/2018